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EXAMINER

PUNIT, PRAKASH C

ART UNIT

PAPER NUMBER

2175

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/760,905

Applicant(s)

GORDON, STEPHEN L.

Examiner

Prakash C Punit

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, the meaning of the phrase "said extracted database may be made available in the form of a report" is unclear, vague and indefinite in the context of the claim. ~~More~~ specifically, it is unclear as to how a database can be made available in the form of a report.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brynjestad (U.S. Patent No. 5,908,383).

As to claim 12, Brynjestad teaches a media-borne ergonomics resource system including:

ergonomics resources (i.e. knowledge-based expert system) embedded in a storage media (see column 3, lines 21-24; where "ergonomic resources" is read on "knowledge based expert

systems”; all computer programs are storable on a media), said resources including at least one ergonomics program (i.e. PMA program) for a work-site of interest (i.e. treatment plan) (see column 3, lines 10-33; where “ergonomics resources” is read on “knowledge based expert systems”), which, in turn, includes at least one database (see Fig. 2, element 54) relating; said work-site of interest (i.e. therapy for pain) (see column 4, lines 27-35);

a computer with means for interfacing with said media (see column 3, lines 41-53), downloading said ergonomics resources (see column 6, lines 22-23; the user computer has the downloading capability which implies any program available on the internet can be downloaded), and extracting said at least one database (54) for said work-site of interest (see column 6, lines 41-54; where “work-site of interest” is read on “treatment plan”).

As to claim 14, Brynjestad teaches media-borne ergonomics resource system, wherein said at least one ergonomics program is a plurality of ergonomics programs (see column 3, line 21-24; also see column 3, line 54 through column 4, line 13) and said at least one database is a plurality of databases (see column 4, lines 32-34).

As to claim 15, Brynjestad teaches media-borne ergonomics resource system, wherein said at least one ergonomics program is one ergonomics program (see column 3, lines 7-24; where “ergonomic program” is read on “knowledge-based expert systems”).

As to claim 16, Brynjestad teaches media-borne ergonomics resource system, wherein said system is an expert system (see Fig. 3, element 102; also see column 3, lines 21-24) and said

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at least one program may be understood and implemented by laymen in the field of ergonomics (see column 3, lines 60-67; where computer is designed with a touch-screen to facilitate use by laymen).

As to claim 17, Brynjestad teaches media-borne ergonomics resource system, wherein said at least one ergonomics program conforms to government regulations (see column 5, lines 53-62; where “government regulations” is read on “based on World Health Organization”).

As to claim 18, Brynjestad teaches media-borne ergonomics resource system wherein said plurality of databases includes at least one ancillary database (see column 4, lines 13-16; where “ancillary database” is read on “database (26) providing information on drugs”).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11, 13 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brynjestad (U.S. Patent No. 5,908,383) in view of Mears et al. (U.S. Patent No. 6,438,580).

As to claim 1, Brynjestad teaches an ergonomics resource system comprising:

an interactive web-site including certain ergonomics resources (see abstract; where "ergonomics resources" is read on "knowledge based expert systems"), said resources including at least one ergonomics program (i.e. PMA Patient program) (see column 2, lines 6-12; also see column 3, lines 41-51) that includes, in turn, at least one database (54);

a computer remote from said web-site (see column 3, lines 49-53; also see column 4, lines 16-19; where "remote" is read on "internet");

access means for interactively connecting said web-site and said remote computer (see column 3, lines 49-53; the client workstations are connected to the server through LAN/WAN for sharing information stored in the database); and,

Brynjestad does not expressly disclose means to provide at least one report related to said ergonomics resources.

Mears et al. discloses means to provide at least one report related to said ergonomics resources (see Mears et al., column 1, lines 56-60; where "report" is read on "information page").

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad to include means to provide at least one report related to said ergonomics resources.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad by the teachings of Mears et al., because by having a means to provide at least one report related to said ergonomics resources, provides the ability to display information in a web browser (see Mears et al., column 2, lines 16-21).

As to claim 2, Brynjestad as modified teaches the ergonomics resource system wherein:
said ergonomics resource system is an expert system usable by laymen (see column 3, lines 7-10; also see column 3, lines 60-65; the computer is equipped with touch-screen for patient data input implies it is designed for use by laymen);

said at least one database includes controls (i.e. rules) for at least one work-site (see Fig. 5; also see column 4, line 58 through column 5, line 18; where “worksite” is read on “treatment” and database (108) has the information stored which is retrieved in the form of web pages depending on the type of treatment);

said remote computer may be operated by a user (i.e. patient or care provider or pain specialist) of said system (see column 3, lines 49-52; also see column 6, lines 9-12; where a patient is a user of the system);

includes controls (i.e. rules) for said at least one work-site (see column 4, line 58 through column 5, line 18; where “worksite” is read on “treatment” and database (108) has the information stored which is retrieved in the form of web pages depending on the type of treatment).

Brynjestad as modified does not expressly disclose said report, observable at said remote computer.

Mears et al. discloses said report, observable at said remote computer (see Mears et al., column 4, lines 47-52; where “report” is read on “information page”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad as modified to include said report, observable at said remote computer.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad as modified by the teachings of Mears et al., because by having the report, observable at the remote computer, provides the ability to display information in a web browser (see Mears et al., column 2, lines 16-21).

As to claim 3, Brynjestad teaches a computerized ergonomics resource system comprising:

an interactive web-site including certain ergonomics resources (see abstract; where "ergonomics resources" is read on "knowledge based expert systems"); said resources including a plurality of ergonomics programs (i.e. PMA programs) (see column 2, lines 6-12; also see column 3, lines 41-51) that includes, in turn, at least one database (54); that include, in turn, at least one database (54) for a plurality of specific work-sites (see column 4, lines 27-35; where "work-sites" is read on "pain management rules");

a computer remote from said web-site that may be operated by a user (i.e. patient or care provider or pain specialist) of said system (see column 3, lines 49-52; also see column 4, lines 13-19);

access means for interactively connecting said web-site and said remote computer (see column 4, lines 21-32);

means contained within said web-site for proposing certain questions to a user (see column 6, lines 9-11), obtaining answers thereto from a user (see column 6, lines 11-16), and analyzing said answers for certain to ergonomics related information (see Fig. 5, element 518;

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also see column 6, lines 17-20; also see column 2, lines 22-24), all to define a work-site of interest (see column 6, lines 19-23; where “work-site of interest” is read on “treatment plan”);

means for extracting a specific ergonomics program (i.e. PMA program) from said database related to said work-site of interest (see column 6, lines 41-54; where “work-site of interest” is read on “treatment plan”); and,

means for making said extracted ergonomics program (i.e. PMA program) available to a user (see column 3, lines 54-67).

Brynjestad does not expressly disclose in the form of one or more reports.

Mears et al. discloses in the form of one or more reports (see Mears et al., column 4, lines 47-52; where “report” is read on “information page”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad to include in the form of one or more reports.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad by the teachings of Mears et al., because by having one or more reports, provides the ability to display information in a web browser (see Mears et al., column 2, lines 16-21).

As to claim 4, Brynjestad as modified teaches the computerized ergonomics resource system, with specific controls (i.e. rules) related to said work-site of interest (see column 4, line 56 through column 5, line 19; where “work-site of interest” is read on “treatment plan”).

Brynjestad does not expressly disclose said one or more reports includes a report.

Mears et al. discloses said one or more reports includes a report (see Mears et al., column 4, lines 47-52; where “report” is read on “information page”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad as modified to include in the form of one or more reports.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad as modified by the teachings of Mears et al., because by having one or more reports, provides the ability to display information in a web browser (see Mears et al., column 2, lines 16-21).

As to claim 5, Brynjestad as modified teaches the computerized ergonomics resource system, wherein said system is an expert system (see Fig. 3, element 102) and said report may be understood and said ergonomics program (i.e. PMA program) implemented, by laymen in the field of ergonomics (see column 3, lines 60-67; where a touch-screen is designed for laymen).

As to claim 6, Brynjestad as modified teaches the computerized ergonomics resource system, wherein said means for proposing questions (see Fig. 4A, 4B and 4C; also see column 5, lines 9-11), obtaining answers (i.e. responses) (see column 5, lines 12-16), analyzing answers (see column 6, lines 17-20; where recommending treatment plan implies responses from patient are analyzed by the PMA system and then recommendations are generated) and said extracting means is application software (see column 2, lines 6-9; also see column 4, lines 16-19; where “application software” is read on “PMA III program”), said questions appear at a monitor

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associated with said remote computer, and said answers are made with use of said monitor (see column Fig. 4A, 4B and 4C; also see column 3, lines 60-67; also see column 6, lines 13-16).

As to claim 7, Brynjestad as modified teaches the computerized ergonomics resource system, wherein said ergonomics resources (i.e. knowledge based expert systems) include at least one database in addition to any databases associated with said ergonomics programs (see Fig. 2 and Fig. 3).

As to claim 8, Brynjestad as modified teaches the computerized ergonomics resource system, wherein a user may access at least one database not maintained by said system (see column 4, lines 13-16; where database (26) is not maintained by the PMA system).

As to claim 9, Brynjestad as modified teaches the computerized ergonomics resource system, wherein a user may access to at least one ancillary database (see column 4, lines 13-16; where “ancillary database” is read on “database (26) providing information on drugs”)

As to claim 10, Brynjestad as modified teaches the computerized ergonomics resource system, wherein said system is an expert system useful to laymen in the field of ergonomics (see column 3, lines 60-67; where a touch-screen for patient data input implies the computer is designed for laymen).

As to claim 11, Brynjestad as modified teaches the computerized ergonomics resource system, wherein said ergonomics programs (i.e. PMA programs) conform to government regulations (see column 5, lines 53-62; where “government regulations” is read on “based on World Health Organization”).

As to claim 13, Brynjestad teaches media-borne ergonomics resource system wherein said extracted database may be made available (see column 4, lines 27-35).

Brynjestad does not expressly disclose in the form of a report.

Mears et al. discloses in the form of a report (see Mears et al., column 4, lines 47-52; where “report” is read on “information page”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad to include in the form of one or more reports.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad by the teachings of Mears et al., because by having one or more reports, provides the ability to display information in a web browser (see Mears et al., column 2, lines 16-21).

As to claim 19, Brynjestad teaches an ergonomics resource system comprising:
an interactive web-site including certain ergonomics resources (see abstract; where “ergonomics resources” is read on “knowledge based expert systems”), said resources

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including one or more ergonomics programs (i.e. PMA Patient Programs) (see column 2, lines 6-12; also see column 3, lines 41-51);

said web-site further including means for proposing certain questions to a user (see column 6, lines 9-11), obtaining answers thereto from a user (see column 6, lines 11-16), and analyzing said answers for certain ergonomics related information to define a work-site of interest (see column 6, lines 19-23; where “work-site of interest” is read on “treatment plan”); to means for extracting a specific ergonomics program related to said work-site of interest; and, means for making at least a portion of said extracted ergonomics program (i.e. PMA program) available to a user (see column 3, lines 54-67).

Brynjestad does not expressly disclose in the form of one or more reports.

Mears et al. discloses in the form of one or more reports (see Mears et al., column 4, lines 47-52; where “report” is read on “information page”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad to include in the form of one or more reports.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad by the teachings of Mears et al., because by having one or more reports, provides the ability to display information in a web browser (see Mears et al., column 2, lines 16-21).

As to claim 20, Brynjestad as modified teaches an ergonomics resource system, wherein said system is an expert system useable by laymen in -the field of ergonomics (see column 3,

lines 60-67; where a touch-screen for patient data input implies the computer is designed for laymen).

As to claim 21, Brynjestad as modified teaches an ergonomics resource system, wherein each ergonomics program (i.e. PMA program) has one or more databases (see column 4, lines 32-34).

As to claim 22, Brynjestad teaches a method for providing ergonomics resources to a user, comprising the steps of:

creating a knowledge base in the form of one or more databases (see Fig. 1, element 26; also see column 3, lines 21-33), including at least one database relating to at least one ergonomics program (see Fig. 2 and Fig. 3; also see column 4, lines 13-16);

eliciting information from a user sufficient to define a work-site of interest (see column 4, lines 20-32; where “work-site of interest” is read on “therapy for pain”);

employing said defined work-site of interest to determine an applicable, specific ergonomics program (i.e. PMA program) for said work-site of interest (i.e. treatment plan) (see column 3, line 34 through column 4, line 16); and with at least a portion of said specific ergonomics program, accessible by a user (see column 5, lines 7-18).

Brynjestad does not expressly disclose providing access to at least one report.

Mears et al. discloses providing access to at least one report (see Mears et al., column 4, lines 47-52; where “report” is read on “information page”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad to include said report, observable at said remote computer.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Brynjestad by the teachings of Mears et al., because by having the report, observable at the remote computer, provides the ability to display information in a web browser (see Mears et al., column 2, lines 16-21).

As to claim 23, Brynjestad as modified teaches the method for providing ergonomics resources to a user, wherein:

said knowledge base includes a plurality of databases (see column 4, lines 32-34), including a plurality of databases relating to a plurality of ergonomics programs (see Fig. 2 and Fig. 3) as well as databases not relating to said ergonomics programs (i.e. PMA programs) (see Fig. 1; also see column 4, lines 13-16); and,

said elicited information is obtained through at least one question and answer cycle and analysis relating thereto, employing application software (see column 5, lines 7-19; also see column 6, lines 9-16; where “application software” is read on “algorithm”).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to knowledge-based expert systems in general:

U.S. Patent No. 5,908,383 to Brynjestad – teaches knowledge-based expert systems.

U.S. Patent No. 6,438,580 to Mears et al. - teaches reporting.

U.S. Patent No. 6,195,651 to Handel et al. - teaches expert systems.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prakash Punit whose telephone number is (703) 305-5914. The examiner can normally be reached on Mondays – Fridays from 9:45 am to 6:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703) 305-3830. The fax numbers of the group is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Prakash Punit
Patent Examiner
Au 2175

May 5, 2003


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